

to the parking lot to protect her from potential danger. Claimant also contends the "going and coming" rule under K.S.A. 1995 Supp. 44-508(f) does not apply as claimant was where she might reasonably be expected to be while performing her work.

Based upon the evidence presented to date, the Appeals Board finds that claimant has failed to prove her accident arose out of and in the course of her employment with the respondent. The evidence fails to establish it is more probably true than not that claimant was to accompany her coworker to the parking lot for safety reasons. Further, the evidence otherwise fails to establish the accident happened in an area under respondent's control where claimant could reasonably be expected to perform her duties.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order entered by Administrative Law Judge John D. Clark dated April 22, 1996, should be, and hereby is, affirmed.

IT IS SO ORDERED.

Dated this ____ day of June 1996.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Joseph Seiwert, Wichita, KS
Christopher J. McCurdy, Wichita, KS
Nelsonna Potts Barnes, Administrative Law Judge
Philip S. Harness, Director